

REMARKS

The subject application sets forth claims 1-20, of which claims 1, 6, 11 and 16 are independent claims. The detailed action dated September 24, 2004 rejects original claims 1-20 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,722,157 (Barnett et al.). Based on the following remarks, Applicants respectfully request reconsideration of such alleged anticipation.

Numbered page 2 of the September 24, 2004 Office Action sets forth a rejection of claims 1-20 that cites Barnett et al. as a reference under 35 U.S.C. §102(e). Applicants respectfully assert that such reference is not available as prior art under 35 U.S.C. §102(e) or any other section of the patent statute.

35 U.S.C. §102(e) states that a person shall be entitled to a patent unless...

the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language”.

Since Barnett et al. is not a published application for patent, Applicants assume that the Examiner is relying on 35 U.S.C. §102(e)(2) for the availability of Barnett et al. as a prior art reference. Applicants note that the filing date of Barnett et al. is Jan. 16, 2001 and the earliest date to which such patent appears to claim priority is Oct. 19, 2000, which is the filing date of provisional application No. 60/241,645. As such, October 19, 2000 is the critical reference date of Barnett et al.

As set forth in the CLAIM OF PRIORITY AND CROSS REFERENCE TO RELATED APPLICATIONS section of the subject application, Applicants claim the benefit of U.S. Provisional Patent Application entitled “Targys System,” filed March 31,

2000 and having serial no. 60/193,422, and copending U.S. Utility Application entitled, "Customer Care and Billing System," filed on March 28, 2001, which also claims priority to German Patent Application No. 00106948.3-2201, entitled "Customer Care and Billing System," filed March 31, 2000. Based on the above priority claim, March 28, 2000 is the earliest effective filing date of the subject application.

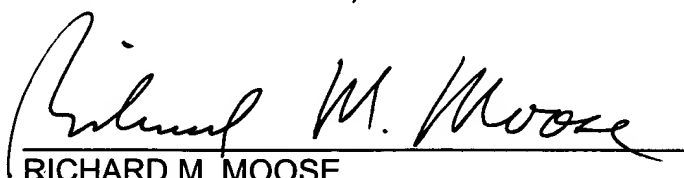
Since the earliest effective filing date of the subject application (March 2000) clearly predates the critical reference date of Barnett et al. (October 2000), such reference should not be available as prior art under 35 U.S.C. §102. Therefore, the rejection of claims 1-20 based on this reference are traversed and Applicants respectfully request withdrawal of such rejection.

For at least the reasons set forth above, Applicants respectfully submit that the present application, including claims 1-20, is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at her convenience should only minor issues remain after consideration of this response in order to permit early resolution of same.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Date: March 24, 2005

A handwritten signature in black ink, appearing to read "Richard M. Moose", is written over a horizontal line.

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